



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Travis Parry

Serial No.: 09/800,854

Filed: March 7, 2001

Confirmation No.: 5600

Group Art Unit: 2643

Examiner: Eng, George

Docket No. 10003552-1

DECLARATION OF TRAVIS PARRY

UNDER 37 C.F.R. 1.132

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Travis Parry, declare as follows:

Education and Experience

1. I am the sole-inventor of the above-identified patent application and an employee of the assignee of that application.

2. I graduated from Utah State University with a Bachelors of Science degree in Computer Science in 1996. I also recently graduated from Boise State University with a Masters of Business Administration in 2004.

3. Since graduating with my Bachelors, I have worked on numerous hardware and software technologies and embedded systems as a firmware engineer working for HP. A number of features that I have designed and/or implement have involved working with an embedded web server on printers, digital copiers, and multi function printers. I was one of four firmware engineers that implemented the first embedded web server on an HP LaserJet, the LJ

8150 MFP. Of the thirteen patents I have been awarded, four have involved the use of an embedded web server: 6886114, "Multiple device error management"; 6865564, "Method and system for printer suggested training"; 6817692, "System for printer suggested upgrades to correct errors"; 6666594, "Method and system for web based printer error information"; and 6652169, "Method and system for printer suggested upgrades to correct errors". I also have had twenty five articles published in Research Disclosure magazine, twelve of which include the use of an embedded web server. For the last two years, I have worked as the lead system engineer on a digital copier project that had over 350 requirements and features. In such a position, I have worked with the top architects of HP LaserJets in coordinating, designing and implement said features. I have also worked with numerous HP customers as part of customer support, beta test programs, and customer use case studies. This experience helped me see the need for a better system for providing customer support – part of this architecture and system is described in this patent application.

4. Through my education and work in the electronics/software industry, I have gained extensive experience with embedded web servers and peripheral devices.

5. The Patent Examiner who is responsible for examining the above-noted patent application had the following comments to make in the "Claim Rejections—35 USC § 112" section (section 3) of the Office Action mailed 3/7/2005:

3. Claims 23-28 are rejected under 35 USC 112, first paragraph as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 23 and 25, the specification fails to use an embedded web server of the peripheral device to provide configuration information or to describe the peripheral device comprising an embedded web server to collect and post peripheral device configuration information, instead the specification merely define the memory (206, figure 2) comprising a web server module to collect information as to the status and the setting of the peripheral (page 7 line 1 through page 8 line 8). Note, the "web server module" recited in the specification does not equate to an "embedded web server" in accordance with the well established meaning of an explicit claim limitation as disclosed in claims 23 and 25. Thus, claim 25 contains subject matter, which was not described in the specification in such way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 24 and 26-28 are also rejected because of depending on claims 23 and 25, respectively, containing the same deficiency.

6. My specification (page 7, lines 1-2) provides:

...memory 206 includes an operating system 220, a communications module 222, and a web server module 224.

7. My specification (page 7, lines 18-19) provides:

...the module 224 can collect information as to the configuration of the electrical device 102, all device settings that have been selected, and any error messages (e.g., from an error log maintained by the device 102) that reflect any malfunctions the device has experienced. Once this information is collected, it is stored by the module 224, as indicated in block 302. The stored information can be formatted, as indicated in block 304, for insertion into one or more web pages generated by the web server module 224.

8. Based on the above cited excerpts from my specification, I respectfully submit, upon information and belief, that it is clearly evident that the web server module 224 in one embodiment may comprise software that generates web pages and collects information for the web pages.

9. The Examiner's attention is respectfully directed to Exhibit A, which is a web page from a web-site entitled, "TechWeb: TechEncyclopedia." The web page corresponding to Exhibit A provides that a web server "delivers web pages to browsers and other files to applications via the HTTP protocol." The web page also states that the term "web server" may "refer to just the software and not the entire computer system." I respectfully submit, upon information and belief, that the definition provided by Exhibit A is a well-established meaning of the term "web server."

10. The Examiner's attention is respectfully directed to Exhibit B, which is a web-page from a web site entitled, "TechWeb: TechEncyclopedia." The web page corresponding to Exhibit B defines an embedded web server as "web server software embedded within a hardware device such as a print server." I respectfully submit, upon information and belief, that the definition provided by Exhibit B is a well-established meaning of the term "embedded web server."

11. My specification (Page 5, lines 1-6) provides the following description of an electrical device 102:

When the electrical device 102 is a peripheral device, it can be substantially any peripheral device with which a user may require

support. For example, the peripheral device can comprise a printer, photocopier, facsimile machine, scanner, digital sender, multi-function peripheral, *etc.* within a hardware device.

12. I respectfully submit that each of the devices in the list of devices provided in the above excerpt from my specification falls within the category of hardware devices, as used in Exhibit B.

13. I respectfully submit that, given the well-understood meaning of embedded web servers as illustrated above and the support in my specification cited above, the web server module 224 can be software embedded within a hardware device, and thus an embedded web server.

14. I respectfully submit that since my specification supports an embedded web server, claims 23-28 do comply with the enablement requirement corresponding to 35 USC 112, first paragraph.

The 35 USC 112, Second Paragraph Rejection in the Office Action Dated 3/7/2005

15. The Patent Examiner who is responsible for examining the above-noted patent application had the following comments to make in the "Claim Rejections—35 USC § 112" section (section 4) of the Office Action mailed 3/7/2005:

5. Claims 23-28 are rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 23 and 25, it is unclear how a peripheral device comprising an embedded web server because it is old and notoriously well known in the art that peripheral device is referred a device that is connected to a computer and is controlled by computer" microprocessor, and the web server is referred to a computer running administrative software that controls access to a local area network. Thus, it is

impossible to embed a web server, i.e., a computer running administrative software that controls access to a local area network, in a peripheral device, i.e., a device that is connected to a computer and is controlled by computer" microprocessor, according to their defined structure.

Claims 24 and 26-28 are also rejected because of depending on claims 23 and 25, respectively, containing the same deficiency.

16. My claims 23-28 disclose subject matter pertaining to an embedded web server in a peripheral device.

17. Given the educational background and professional experience described above as the sole inventor for this application, and based upon a review of the specification and claims, I respectfully submit that the specification fully supports and enables one skilled in the art how to make and use a peripheral device having an embedded web server.

DECLARATION

I hereby declare that all statements made herein are of my own knowledge are true and that all statements are made on information and belief and are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Travis Parry

Date 5-23-2005

EXHIBIT A

A Computer Associates InformationWeek Vendor Perspectives TechWebCast

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Results found for: Web server

Web server

A computer that delivers Web pages to browsers and other files to applications via the HTTP protocol. It includes the hardware, operating system, Web server software, TCP/IP protocols and site content (Web pages and other files). If the Web server is used internally and not by the public, it may be called an "intranet server."

HTTP Server

"Web server" may refer to just the software and not the entire computer system. In such cases, it refers to the HTTP server (IIS, Apache, etc.) that manages requests from the browser and delivers HTML documents and files in response. It also executes server-side scripts (CGI scripts, JSPs, ASPs, etc.) that provide functions such as database searching and e-commerce.

One Computer or Thousands

A single computer system that provides all the Internet services for a department or a small company would include the HTTP server (Web pages and files), FTP server (file downloads), NNTP server (newsgroups) and SMTP server (mail service). This system with all its services could be called a Web server. In ISPs and large companies, each of these services could be in a separate computer or in multiple computers. A datacenter for a large public Web site could contain hundreds and thousands of Web servers.

Web Servers Are Built Into Everything

Web servers are not only used to deliver Web pages. Web server software is built into numerous hardware devices and functions as the control panel for displaying and editing internal settings. Any network device, such as a router, access point or print server may have an internal Web server (HTTP server), which is accessed by its IP address just like a Web site. Contrast with Web client. See application server and embedded Web server.

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Results found for: embedded Web server

embedded Web server

Web server software embedded within a hardware device such as a print server. It is widely used in a myriad of devices, because it allows access to the software via any Web browser, typically for configuring the device or obtaining reports. See [ETI](#) and [Web server](#).

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